

Mississippi Secretary of State  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi State Department of Health – Division of On-site Wastewater		CONTACT PERSON Mike Lucius	TELEPHONE NUMBER 601-576-7847	
ADDRESS 570 E Woodrow Wilson Ave		CITY Jackson	STATE MS	ZIP 39215
EMAIL Bob.Fagan@msdh.state.ms.us	SUBMIT DATE September 4, 2013	Name or number of rule(s): Title 15 – Mississippi State Department of Health Part 18 – Office of Health Protection Subpart 77 – On-site Wastewater		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: After consideration by the Wastewater Advisory Council and the Department, rules and regulations were updated to allow for the registration of Spray Irrigation systems and to clarify multiple rules in both Chapters.

Specific legal authority authorizing the promulgation of rule: 41-67-3, Mississippi Individual On-site Wastewater Disposal System law

List all rules repealed, amended, or suspended by the proposed rule: 5.7.2.1, 5.7.2.4, 5.7.2.6, 5.7.3.4, 5.7.3.5.a, 5.7.4.6.g, 5.7.5, 5.7.9.4, 5.7.10, Table I, Table II, Figure I, Figure II, 7.1, Subchapter 1, Subchapter 2, Subchapter 3, 7.2

**ORAL PROCEEDING:**

☒ An oral proceeding is scheduled for this rule on Date: October 4, 2013 Time: 10:00 Place: Osborne Auditorium

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective day <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Mike Lucius, Deputy State Health Officer/Chief

Admin Officer

Signature of person authorized to file rules: \_\_\_\_\_

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by 	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN  
*Secretary of State*

### CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi State Department of Health	CONTACT PERSON Mike Lucius	TELEPHONE NUMBER 601-576-7847
ADDRESS PO Box 1700/570 E Woodrow Wilson Blvd.	CITY Jackson	STATE MS
EMAIL Bob.Fagan@msdh.state.ms.us	ZIP 39215	
DESCRIPTIVE TITLE OF PROPOSED RULE On-site Wastewater Regulation – Chapter 5 Subchapter 7 (Spray Irrigation)		
Specific Legal Authority Authorizing the promulgation of Rule: 41-67-3	Reference to Rules repealed, amended or suspended by the Proposed Rule: On-site Wastewater Regulation – Chapter 5 Subchapter 7 (Spray Irrigation)	

#### A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: All manufacturer of spray systems will be required to register the product which in turn will give the consumer a uniform product
2. Briefly describe the need for the proposed rule: To ensure that the consumer gets a more reliable and consistent product that will protect both consumer's and public's health
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare: The consumer will be protected based on the uniformity and consistency with the product being registered as well as a single party being held responsible for the items being utilized in the wastewater process
4. Estimated Cost of implementing proposed action:
  - a. To the agency  
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
  - b. To other state or local government entities  
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
  - c. Cost:  
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
  - d. Economic Benefit:  
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
6. Estimated impact on small businesses:  
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive
  - a. Estimate of the number of small businesses subject to the proposed regulation: 558

b. Projected costs for small businesses to comply: None Statement of probable effect on impacted small businesses: Minimal

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

- ☐ substantially less than ☐ moderately less than ☐ minimally less than  
☐ the same as ☒ minimally more than ☐ moderately more than  
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

- ☐ substantially less than ☐ moderately less than ☐ minimally less than  
☐ the same as ☐ minimally more than ☐ moderately more than  
☒ substantially more than ☐ excessively more than

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B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?  
☐ yes ☒ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

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C. Data and Methodology


1. Please briefly describe the data and methodology you used in making the estimates required by this form.

Data obtained from conferring with manufacturers and installers of Spray Irrigation systems

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D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

SIGNATURE 	TITLE Deputy State Health Officer/Chief Administrative Officer
DATE September 4, 2013	PROPOSED EFFECTIVE DATE OF RULE 30 days after filing